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DPS Commissioner

Richard Crowley
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Robert Anderson
BBRS Administrator

Board of Building Regulations and Standards (BBRS) Ashburton Café, One Ashburton Place, Boston MA 02108 June 9, 2015 at 1:00 p.m.

(Red text indicates corrections made by Board members at the August 11, 2015 meeting.)

1. RC opened the meeting at 1:03 and then roll call was taken as follows:

Richard Crowley V-Chair (RC)	✓ present <input type="checkbox"/> absent	Structural Engineer (<i>open slot</i>)	<input type="checkbox"/> present <input type="checkbox"/> absent
Robert Anderson (RA)	✓ present <input type="checkbox"/> absent	Thomas Perry (TP)	✓ present <input type="checkbox"/> absent
John Couture (JC)	✓ present <input type="checkbox"/> absent	Stephen Coan* (SC)	✓ present <input type="checkbox"/> absent
Kevin Gallagher (KG)	<input type="checkbox"/> present ✓ absent	General Contractor of Commercial or Industrial	
Jerry Ludwig (JL)	✓ present <input type="checkbox"/> absent	Buildings (<i>open slot</i>)	<input type="checkbox"/> present <input type="checkbox"/> absent
Alexander MacLeod (SM)	✓ present <input type="checkbox"/> absent	Harry Smith (HS)	✓ present <input type="checkbox"/> absent

* Jacob Nunnemacher (JN) was designee for SC. Also in attendance from DPS were Deirdre Ann Hosler (DH), Don Finocchio (DF), Tom Riley (TR) and Mike Guigli (MG).

RA took the floor and recognized the service of Brian Gale (BG) former BBRS Chair. RA presented BG with a letter (Exhibit A) from Commissioner Gatzunis and then personally expressed his appreciation and gratitude. After a standing ovation from the BBRS, Staff, and the audience BG expressed his pleasure and gratitude for his BBRS experience and to JC a well wish as his replacement.

RA then noted that some of his staff (DF, TR, and MG) are considering the early retirement incentive and that because of this he suggested, and the BBRS approved cancellation of the July meeting and that the August meeting be tentative until further notice. (HS, JN, All) 1:12

General notes on format:

- votes are noted as (Motion by, Second by, All) if the vote, by all member present for the vote, is unanimous followed by the time and
- agenda topics appear herein as numbered but may have been taken out of order as indicated by the time.

2. The May 12, 2015 meeting minutes (Exhibit B) were reviewed and approved (JN, HS, All). 1:15

3. Status update or review and/or approval of action items from previous meetings:

- RC asked for a motion to review at the next BBRS meeting the edits to May 13, 2014 white papers on cost and effectiveness of building code requirements in 3 to 6 unit residential buildings. In light of the DPS staff issues as noted by JN the BBRS approved a motion to conduct this review at the meeting following the next meeting. (JN, RA, All) 1:21
- TR noted that the draft official interpretation on window replacement for commercial buildings that was issued for comment has created some unintended consequences in the field. As such it will not be issued at this point in time and TR will provide further guidance for BBRS consideration prior to June 30, 2015.

- c. MG noted that the letter from DPS to the chair of the automatic sprinkler appeals board on the review and study of the consistency of application of the construction requirements found in M.G.L. c. 148, §26G is written. To provide clarity to JN on this task RA read from the letter. SC and JN voiced their opposition to this effort while DH noted that this review and study is within the authority of the BBRS, although enforcement of section 26G is not.
 - d. MG noted BBRS/DPS e-Memo communications have continued at a rate of 1 or 2 per month and that a DPS [E-Memos](#) web page has been created by DF. (1:28)
 - e. TR introduced the Window Light Reflection topic and introduced Jim Larsen from Cardinal Glass and John McFee from the Window and Door Manufacturer's Association (WDMA). Mr. Larsen noted the many factors (glazing coatings and concavity tolerances as just two examples) which play a role in the amount heat reflected by windows. He noted that he and Cardinal Glass have been involved in the forensic investigations of many field issues while helping home owners and neighbors come to resolution. Mr. McFee noted that enhanced inspections on tolerances and quality controls in manufacturing facilities are being incorporated into NFRC 700 in the coming months. This standard is used by many window and door manufacturers so improved window and door product will be produced soon after the changes are incorporated into NFRC 700. Mr. Larsen or Mr. McFee both noted that action at this time by the BBRS on the 9th edition of 780 CMR is not recommended. RC requested that they keep the BBRS informed of any new developments with respect to this issue and that if 'regulation' changes are necessary that they actively pursue them through the code and standard entities, like ICC for example. 2:03
4. Review of 780 CMR 9th edition topics (minutes to agenda items a., b., and c., are contained herein; item d. which involved a summary table of key changes in 780 CMR for use during the forthcoming internal state review process, was not discussed.)

At 2:08 MG provided a synopsis of the files that were disseminated in the past week for review. These included files containing MA amendments to the IBC and IRC which reflect BBRS consensus that was reached on several key code requirements like adoption of the IBC 2015 language for the definition of 'fire area' and a revised definition on 'nightclubs' that was reached by DFS and DPS. These files are the culmination of work by the BBRS over the past 12 months and are recommended by staff for the 9th edition 780 CMR. MG noted that other files were disseminated including a file of DFS comments on the final draft of 780 CMR and two files of DFS comments specifically addressing the administrative requirements of 780 CMR Chapter 1. In addition he noted that per an action from last month's meeting TR reviewed DFS comments and the file which contained his review ([Exhibit C](#)) was emailed to the BBRS.

After this synopsis TR discussed [Exhibit C](#) which contains his review of DFS comments. He noted that there were at least two items (smoke detection requirements in common areas of two family dwellings and smoke detection requirements in temporary overnight shelters) which were added to the final draft 9th edition MA amendment files. Also he noted that the DFS comments in general concerned either potential conflict or duplication of 527 with 780 CMR or more fire protection requirements overlaid onto 780 CMR. TR also noted that several of the topics were considered and dispensed with by the FFPF committee (like deletion of the trigger for an NFPA 13 system for an R-Use when the building area exceeds 12,000 sq ft and the option to allow 2 hour fire rated dividing walls between townhouses in lieu of sprinklers). TR noted that in the area of conflict or duplication more discussion between BBRS and BFPR may be necessary to come to resolution.

At the completion of TR's review RC sought and received a motion to move the staff recommended 9th edition to public comment (HS motion with second by SM). SC requested to be heard and then presented his view whereby he reiterated his concerns with eliminating some long standing fire protection requirements. JN then presented [Exhibit D](#) from 2:21 to 2:41. During this time RA noted that some of what was presented may have merit and should be brought to ICC for adoption into the national code. Steve Rourke noted that sometimes that does not work specifically pointing out that the BBRS deleted sprinkler requirements from the residential code. JC noted that in discussion with three fire chiefs all said they would prefer townhouse units with 2 exits and no sprinklers as opposed to sprinklered townhouse units with only one exit. JN then proceeded to speak on every DFS comment in [Exhibit D](#) until 3:05. JN noted that there were conflicts between *staff proposed 9th edition* 780 CMR and 527 CMR including as just one example, fire access lanes (18 ft in *staff proposed 9th edition* 780 CMR and 20 ft in 527 CMR.)

At the completion of JN's presentation RC reiterated the original motion to move forward with consideration of the final draft 9th edition for movement to public hearing without further consideration or incorporation of DFS comments with the exception of those considered and incorporated into the final draft by Staff. Prior to the vote and as part of the discussion it was noted that the public hearing for the 9th edition 780 CMR is another opportunity for comment by interested parties. The BBRs approved the motion (HS, SM, Approved) JC, RC, SM, TP, HS ↑ RA, JL, JN ↓ 3:12

The BBRs then viewed the files of the proposed 9th edition 780 CMR final drafts. A single file (Exhibit E) which contains MA amendments to the chapters and appendices of the *International Building Code 2015* was reviewed. A single file (Exhibit F) which contains MA amendments to the chapters and appendices of the *International Residential Code 2015* was reviewed. Two files (Exhibits G and H) containing figures and tables pertaining to the base and residential volumes were reviewed as well. The special regulations found in Chapter 110 of 780 CMR and found in Exhibits I, J, K, and L have not changed since a previous review by the BBRs so these files were not opened and displayed. In addition Exhibit M which contained edits to ASCE 24 relative to the elevation requirements in the base code for construction in flood hazard regions, and approved previously by the BBRs, was reviewed. Following this review and further discussion the BBRs approved a motion that the files presented or known as Exhibits E through M be adopted for the 9th edition of 780 CMR and intended for public hearing and promulgation, recognizing any governmental administration and internal review requirements and the necessity for DPR/BBRs staff to make editorial changes that do not change the intent of administrative or technical requirements adopted here today. (HS, SM, Approved) RA, JC, RC, SM, TP, HS ↑ JN ↓ JL abstain 3:34

5. Construction Supervisor License (CSL) topics:
 - a. The BBRs approved 105 new CSLs in the month of May 2015 and CSL reinstatements for medical reasons for Brian McMahon CS-089776. (HS, TP, All) 3:36
 - b. RA noted that the CSL Unrestricted Exam Questions were reviewed by DPS and Prometric staff and questions with low success rates were replaced in order to enhance overall CSL exam success rates.
6. The BBRs did not review the BOCC meeting minutes from April 2015.
7. The BBRs approved the concrete testing laboratory (CTL) renewal application for Fenagh Engineering and Testing, 8 Thorndike St, Everett, MA 02149 CTL # 081 (HS, TP, All with the exception of JN who had stepped out for a moment) 3:38
8. There was discussion on the authority of 780 CMR to regulate building construction requirements via Chapter 802. It was noted that 527 CMR has fire department access requirements that could be interpreted to grant to local fire service the authority to dictate fire protection requirements in a building if access to it is not to the detailed specifications now required by 527 CMR. TR noted again that BBRs and BFPR should work this out despite the fact that JN noted that the requirement is in 527 CMR. It was pointed out by Dan Walsh that JN as a board member has notified the BBRs that there is a conflict between 527 and 780 CMRs on this issue and allows the BBRs to actively work this out. DAH noted that when the 9th edition is moved to BCCC there will be another opportunity to raise this issue.
9. John Nunnari, who identified himself as a registered lobbyist provided a review and, on behalf of AIA, his recommendation of several of the pending legislation bills being reviewed at the House and Senate. His review touched on Bills HB 2089, HB 2097, HB 2099, HB 2109, HB 2110, HB 2124, HB 2143, HB 2823, HB 2843 and HB 3277. More detail on the bills and the recommendations are found in Exhibit N. (4:00)
10. MG provided a summary of M.G.L. c. 143, §§ 3T, 3U, and 3V as it pertains to the requirements including etching of safety glazing. It was noted that this law can be onerous for small shops which make safety glazing for specialty items like custom shower doors etc. and that the code has advanced to the point to make the law moot since the code allows for a 'label' or 'building official approval'. DAH noted that the M.G.L. governs when there may be a conflict with code. She also noted that DPS is reviewing codes and relevant statutes within its boards as part of the EO 562 process and that issues like this one may be addressed.

11. MG provided a review of the residential floor fire protection requirements that the BBRS has considered and approved in the past several months. These approvals have to date only been for I-Joists. A manufacturer has come forward with an open truss joist product that ICC has reviewed via ESR 2999 and deemed compliant with the residential floor fire protection requirement. This manufacturer may submit fire test documentation for review and if so the BBRS would defer to staff and BBRS member KG for review and recommendation for approval.
12. The BBRS approved RC as BBRS chair (SM, HS, Approved) JN the only member to vote against, noted that his ↓ vote was made because he would rather have more active BBRS members present for this vote. The BBRS approved TP as BBRS vice chair (SM, HS, Approved) JN↓ 4:12
13. MG provided a summary of the work by a team gathering and analyzing permit activity throughout the state and found as Exhibit O. The summary included a discussion of the potential use of the Architectural Billing Index to forecast future permit activity. The Associated General Contractors of MA (AGC) spearheaded this effort and DPS has been involved with seeking out data from various municipalities. Seven cities/towns have been providing data since September 2014 and at this point in time the list has grown to more than 20. It is planned that monthly reports will be issued by AGC on various topics concerning data and analysis of permit activity.
14. For minutes of the BBRS/DPS Staff update provided by RA see agenda item 1.
15. There were two matters not reasonably anticipated 2 business days in advance of meeting. First, the BBRS formally recognized and approved the rescission of Official Interpretation 2014-02 (JN, HS, All) 4:19 and second the BBRS approved a motion to recognize the service of any BBRS staff person who may retire from state service (JN, SM, All) 4:19.
16. Adjournment of the meeting was approved (SM, HS, All) 4:20

Exhibits (listed as file names)

- A. Brian_Gale_Recognition
- B. BBRS Meeting Minutes May 12, 2015 (Approved June 9, 2015)
- C. DFS edited 780CMR9thEdition_FinalDraft_with out Comments 5-8-15 with T Riley Comments 6-4-15 2
- D. BBRS 06092015 II
- E. 2014_04_Chapter_01_to_35_Staff_redline_2015_06_08
- F. 2014_04_Chapter_51_R01_to_R44_Staff_redline_2015_06_08
- G. 2014_04_Chapter_02_to_35_Staff_redline_Tables_& Figures_only_2015_05_04
- H. 2014_04_Chapter_51_R01_to_R44_Staff_redline_Table_Only_2015_06_04
- I. 2014_04_Chapter_110_R1_Concrete_Test_Labs_Staff_redline_12_02_2014
- J. 2014_04_Chapter_110_R3_Manuf_Buildings_Staff_redline_12_03_14
- K. 2014_04_Chapter_110_R4_Native_Lumber_Producers_Staff_redline_2015_04_10
- L. 2014_04_Chapter_110_R5_Construction_Supervisor_License_redline_2015_04_10
- M. DCR Base Code Freeboard Recommendations_BBRS
- N. BBRS Tracking List_AIA comments
- O. Permit Activity_and_ABI